

APPLICATION NO.

09/495,729

## United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERGE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

PAPER NUMBER

Joseph R Kelly Westman Champlin & Kelly PA Suite 1600 International Centre 900 Second Avenue South Minneapolis, MN 55402-3319

3616

DATE MAILED: 06/02/2004

**ART UNIT** 

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)	/(
	09/495,729	ROSSOW ET AL.	
	Examiner	Art Unit	*
	Toan C To	3616	
The MAILING DATE of this communication appears on the cover sheet with the correspondence address			
THE REPLY FILED 30 April 2004 FAILS TO PLACE THE Therefore, further action by the applicant is required to a final rejection under 37 CFR 1.113 may only be either: (100 condition for allowance; (2) a timely filed Notice of Appears amination (RCE) in compliance with 37 CFR 1.114.	void abandonment of this applice  I) a timely filed amendment whi	cation. A proper rep ch places the applic	ply to a cation in
PERIOD FOR REPLY [check either a) or b)]			
a) The period for reply expires 3 months from the mailing date of b)  The period for reply expires on: (1) the mailing date of this Adv event, however, will the statutory period for reply expire later the ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS 706.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The datase been filed is the date for-purposes of determining the period of extensions.	isory Action, or (2) the date set forth in the an SIX MONTHS from the mailing date of FILED WITHIN TWO MONTHS OF THE te on which the petition under 37 CFR 1.1	f the final rejection. E FINAL REJECTION. S 136(a) and the appropriate	See MPEP
87 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened b) above, if checked. Any reply received by the Office later than three most patent term adjustment. See 37 CFR 1.704(b).	statutory period for reply originally set in inths after the mailing date of the final reje	the final Office action; or action, even if timely filed,	(2) as set forth in
1. A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.			
2. The proposed amendment(s) will not be entered because:			
(a) they raise new issues that would require further consideration and/or search (see NOTE below);			
(b) they raise the issue of new matter (see Note below);			
<ul><li>(c)  they are not deemed to place the application i issues for appeal; and/or</li></ul>	n better form for appeal by mat	erially reducing or s	implifying the
(d) $\square$ they present additional claims without canceling a corresponding number of finally rejected claims.			
NOTE:			
3. Applicant's reply has overcome the following rejections.	· · · · · · · · · · · · · · · · · · ·		
4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).			
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.			
6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.			
7.⊠ For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.			
The status of the claim(s) is (or will be) as follows:			
Claim(s) allowed: <u>2-7,10-22 and 24-33</u> .			
Claim(s) objected to:			
Claim(s) rejected: 1,34 and 35.			
Claim(s) withdrawn from consideration:			
8.☐ The drawing correction filed on is a)☐ approved or b)☐ disapproved by the Examiner. ∕			
9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)			
0. □ Other: Palit 5/27/04			
PAUL N. D SUPERVISORY PAT TECHNOLOGY (	ENT EXAMINER	Toan To Patent Examiner May 25, 2004	

Application No.

Continuation of 5. does NOT place the application in condition for allowance because: With respect to amended claim 1, Loraas et al discloses the electronic controller 212 coupled to the control computer 224 and being spaced apart from the control computer 224.